



09-22-05

Docket No: AM100459
Patent

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: **BURGHHER et al.**
Application No.: **10/681,489** Group Art No.: **to be assigned**
Filed: **October 8, 2003** Examiner: **to be assigned**
For: **INFANT FORMULA CONTAINING NUCLEOTIDES**
Confirmation No.: **5899**
Customer Number: **25291**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

1. Preliminary Statements

In accordance with 37 CFR 1.97 and 1.98, Applicants submit herewith patents, publications, or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56. This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) the information is material to the examination of this application; (iii) additional information material to the examination of this application does not exist; (iv) the information, protocols, results and the like reported by third parties are accurate or enabling; or (v) the information constitutes prior art to the subject invention.

2. Identification of Time of Filing

This Information Disclosure Statement

- a. is filed within three months of the filing date of the application.
- b. is filed before the mailing date of a first Office Action on the merits.
- c. is filed before the mailing date of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- d. is filed after the period specified in 2(a), 2(b) or 2(c) above, but before the mailing date of a final action under 37 CFR 1.311. This statement includes a certification under 37 CFR 1.97(e) or the fee set forth in 37 CFR 1.17(p).
- e. is filed after the mailing date of a final action or Notice of Allowance but before payment of the issue fee. This statement includes (i) a certification under 37 CFR 1.97(e), and (ii) the fee set forth in 37 CFR 1.17(p).

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 100497557 US addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Sept 21, 2005
Date

Cecilia Chessell
Cecilia Chessell

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3. Certification under 37 CFR 1.97(e) and 1.704(d)
The undersigned attorney certifies
- a. that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or
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4. Newly Cited Information
A legible copy of the patents, publications or other information cited on the attached form PTO 1449 is enclosed, except that no copy of a pending U.S. application is enclosed, and if this patent application was filed or entered the national stage after June 30, 2003, no copy of a U.S. patent or U.S. patent application publication is enclosed.

5. Previously Cited Information
No copy of the patents, publications or other information cited on the attached form PTO-1449 is enclosed because it has been previously cited by or submitted to the Office in a prior application which is relied upon for an earlier filing date under 35 USC 120.
Prior application is Application Number _____, filed on _____ of _____ for _____.

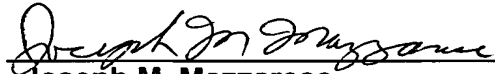
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Documents cited above which are not in the English Language
- a. have been explained in the specification.
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Form PTO-1449 is enclosed in duplicate.

7. Fees
 Fee for filing under 37 CFR 1.97(c) or (d) Fee: \$180.00

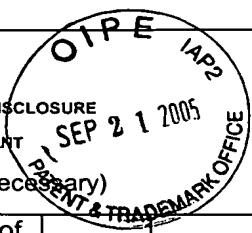
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Substitute for form 1449/PTO		Complete if Known		
SUPPLEMENTAL INFORMATION DISCLOSURE (September 2005) STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/681,489	
		Filing Date	October 8, 2003	
		First Named Inventor	Anita Maria BURGHER et al.	
		Group Art Unit	to be assigned	
		Examiner Name	to be assigned	
Sheet	1	of	Attorney Docket Number	AM100459

OTHER PRIOR ART — NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
	1.	BRUNSER et al., Effect of Dietary Nucleotide Supplementation on Diarrhoeal Disease in Infants, ACTA Pediatr 83: 1994, pp 188-191	<input type="checkbox"/>
	2.	MARTINEZ-AUGUSTIN et al., Dietary Nucleotides Might Influence the Humoral Immune Response Against Cow's Milk Proteins in Preterm Neonates, Biol Neonate 71: 1997, pp 215-223	<input type="checkbox"/>
	3.	OZKAN et al., Breast Milk Versus Infant Formulas: Effects on Intestinal Blood Flow in Neonates, Indian J Pediatr 61: 1994, pp 703-709	<input type="checkbox"/>
	4.	CARVER et al., Dietary Nucleotide Effects Upon Immune Function in Infants, Pediatrics Vol. 88 No. 2 August 1991, pp 359-363	<input type="checkbox"/>
	5.	CARVER, J D, Dietary Nucleotides: Effects on the Immune and Gastrointestinal Systems, ACTA Paediatr Suppl 430: 1999, pp 83-88	<input type="checkbox"/>
	6.	AGGETT, et al., Innovation in Infant Formula Development: A Reassessment of Ribonucleotides in 2002, Nutrition 19: 2003, pp 375-384	<input type="checkbox"/>
	7.	PICKERING et al., Modulation of the Immune System by Human Milk and Infant Formula Containing Nucleotides, Pediatrics Vol 101 No. 2 February 1998, pp 242-249	<input type="checkbox"/>
	8.	O'CONNOR et al., Growth and Development in Preterm Infants Fed Long-Chain Polyunsaturated Fatty Acids: A Prospective, Randomized Controlled Trial, Pediatrics Vol 108 No. 2 August 2001, pp 359-371	<input type="checkbox"/>
	9.	YAU et al., Effect of Nucleotides on Diarrhea and Immune Responses in Healthy Term Infants in Taiwan, Journal of Pediatric Gastroenterology and Nutrition 36:, January 2003, pp 37-43	<input type="checkbox"/>
	10.	ARNAUD, et al., Dietary Nucleotides Modulate Mitochondrial Function of Intestinal Mucosa in Weanling Rats with Chronic Diarrhea, Journal of Pediatric Gastroenterology and Nutrition, 37: August 2003, pp 124-131	<input type="checkbox"/>
	11.	OSTROM et al., Immune Status of Infants Fed Soy-Based Formulas with or Without Added Nucleotides for 1 year: Part 1: Vaccine Responses, and Morbidity, Journal of Pediatric Gastroenterology and Nutrition, 34: February 2002, pp 137-144	<input type="checkbox"/>

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.